

## **ENEMY COMBATANT ARRAIGNED DURING MILITARY COMMISSION**

Military Commission proceedings resumed Wednesday in the case of *U.S. v Omar Ahmed Khadr*.

The military commission for Khadr began here just after 3:30 p.m. Wednesday and recessed yesterday just before 8:30 p.m.

The prosecution conducted voir dire of the presiding officer Col. Robert S. Chester, wherein Chester assured the prosecution that he would follow the president's military order to give the accused a full and fair trial.

Chester allowed the defense counsel to reserve voir dire until after issues surrounding the detailing of military counsel could be resolved.

The prosecution announced the general nature of the charges against Khadr, which included conspiracy, murder, attempted murder, and aiding the enemy.

Chester allowed the defense counsel to reserve entering a plea at this time.

A complete list of charges is available at:

[http://www.defenselink.mil/news/Nov2004/charge\\_sheets.html](http://www.defenselink.mil/news/Nov2004/charge_sheets.html) .

Defense counsel presented one motion expressing concerns about Chief Prosecutor Col. Morris Davis' comments to the media during a press conference held Tuesday. The press conference, which included comments by defense counsel and Davis, was scheduled to help answer questions by members of the media attending this week's military commissions.

Chester denied the motion stating that the defense counsel failed to meet their burden of proof. Chester noted that the defense counsel and other parties had made statements calling into question the fairness of the proceedings and that the rules allowed for counsel to respond to allegations of inflammatory or prejudicial information. He also noted that both defense and prosecution had a responsibility to try the merits of the case in the courtroom, not in the media.

Military commissions have historically been used to try violations of the law of war.

Military commissions provide:

- A full and fair trial;
- Protection of classified and sensitive information; and
- Protection and safety of all personnel participating in the process, including the accused.

Those deemed eligible for trial by military commission include and individual who:

- Is or was a member of al Qaeda;
- Had engaged in, aided or abetted, or conspired to commit acts of international terrorism against the United States; or
- Knowingly harbored one or more individuals described above.

**-END-**